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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON ET AL.,

No. 1:23-cv-03026

Plaintiffs,

V

UNITED STATES FOOD AND DRUG
ADMINISTRATION ET AL..

Defendants.

ASIAN PACIFIC INSTITUTE
ON GENDER BASED
VIOLENCE, THE FAMILY
VIOLENCE APPELLATE
PROJECT, IDAHO COALITION
AGAINST SEXUAL AND
DOMESTIC VIOLENCE,
LEGAL VOICE, SEXUAL
VIOLENCE LAW CENTER,
AND THE WASHINGTON
STATE COALITION AGAINST
DOMESTIC VIOLENCE'S
MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF

ASIAN PACIFIC INSTITUTE ON GENDER BASED
VIOLENCE ET AL.'S MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF (No. 1:23-cv-03026)

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1 The Asian Pacific Institute on Gender Based Violence, the Family Violence
 2 Appellate Project, Idaho Coalition Against Sexual and Domestic Violence, Legal
 3 Voice, Sexual Violence Law Center, and the Washington State Coalition Against
 4 Domestic Violence (“Amici”) respectfully move this Court for leave to file an
 5 amicus curiae brief in the above-captioned case in support of Plaintiffs’ Motion for
 6 a Preliminary Injunction (Dkt. 3), calendared for hearing before this Court on March
 7 28, 2023 at 8:30am. A copy of the proposed amicus curiae brief is attached as Exhibit
 8 A to this motion. Amici have conferred with the parties concerning the filing of this
 9 motion. Counsel for Plaintiffs and Defendants have consented to this motion.

I. LEGAL STANDARD

10 The court has discretion to grant permission to an amicus curiae to file a brief.
 11 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), abrogated on other grounds
 12 by *Sandin v. Conner*, 515 U.S. 472 (1995). “An amicus brief should normally be
 13 allowed . . . when the amicus has unique information or perspective that can help the
 14 court beyond the help that the lawyers for the parties are able to provide.” *Cnty. Ass ’n for Restoration of the Env’t (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d
 15 974, 975 (E.D. Wash. 1999); see also *Miller-Wohl Co. v. Comm’r of Lab. & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982) (the “classic role” of an amicus
 16 brief is to “assist[] in a case of general public interest, supplement[] the efforts of
 17 counsel, and draw[] the court’s attention to law that escaped consideration.”). And
 18 there is no requirement that amici be “totally disinterested.” *Funbus Sys., Inc. v. C.P.U.C.*, 801 F.2d 1120, 1124 (9th Cir. 1986) (citing *Hoptowit*, 682 F.2d at 1260).
 19 Rather, the “perfectly permissible role” of amici is to “take a legal position and
 20 present legal arguments in support of it.” *Id.* (citing *Miller-Wohl*, 694 F.2d at 204).
 21 For the reasons explained below, Amici satisfy these criteria.

II. ARGUMENT

A. Amici Have Strong Interests in this Case.

Amici are experts in law, social science, and advocacy supporting survivors of intimate partner violence (“IPV”) and have a strong interest in this case.

The Asian Pacific Institute on Gender Based Violence (API-GBV) is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence impacting Asian and Pacific Islander and immigrant communities. *See About Us*, Asian Pacific Institute on Gender-Based Violence, <https://www.api-gbv.org/about-us/> (last visited Mar. 21, 2023).

Family Violence Appellate Project (“FVAP”) is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. *See About Us*, Family Violence Appellate Project, <https://fvaplaw.org/about-us/> (last visited Mar. 21, 2023). FVAP provides legal assistance to survivors of abuse at the appellate level through direct representation and collaboration with pro bono attorneys, advocates for survivors on important legal issues, and offers training and legal support for legal services providers and domestic violence, sexual assault, and human trafficking counselors. *Id.* FVAP’s work contributes to a growing body of case law that provides the safeguards necessary for survivors of abuse and their children to obtain relief from abuse through the courts. *Id.*

The Idaho Coalition Against Sexual & Domestic Violence works to end violence and to engage voices to create change in the prevention, intervention, and response to domestic violence, dating abuse, stalking, and sexual assault. *See About Us*, Idaho Coalition Against Sexual & Domestic Violence, <https://idvs.org/about-us/who-are-we/> (last visited Mar. 21, 2023). The Coalition works to center

1 wholeness and collective liberation and move toward beloved communities and
 2 collective thriving free from gender violence and systemic oppression. *Id.* The
 3 Coalition strives to provide safe, compassionate, trauma-informed, inclusive, and
 4 accessible services to people who have been exposed to violence, especially those
 5 in historically marginalized communities. *Id.*

6 Legal Voice is a non-profit, non-partisan public interest legal organization
 7 with a mission to advance gender justice in the Pacific Northwest. *See About Us,*
 8 Legal Voice, <https://www.legalvoice.org/about> (last visited Mar. 21, 2023). In
 9 pursuit of its mission, Legal Voice uses a combination of litigation, policy advocacy,
 10 and community education to advance economic justice, eradicate gender
 11 discrimination, ensure access to healthcare, protect reproductive freedom, and end
 12 gender-based violence. *Id.*

13 Sexual Violence Law Center is a non-profit legal services organization based
 14 in Washington that aims to protect the privacy, safety, and civil rights of survivors
 15 of sexual violence through legal representation and victim advocacy. *See About Us,*
 16 Sexual Violence Law Center, <https://svlawcenter.org/about-us/> (last visited Mar. 21,
 17 2023).

18 Washington State Coalition Against Domestic Violence (“WSCADEV”) is a
 19 non-profit 501(c)3 network of domestic violence programs across Washington State.
See About WSCADV: Mission & Vision, Washington State Coalition Against
 20 Domestic Violence, <https://wscadv.org/mission-vision/> (last visited Mar. 21, 2023).
 21 WSCADEV believes that living a life free of violence, including physical,
 22 emotional, financial, and reproductive abuse, is a basic human right and that bodily
 23 autonomy is a cornerstone in any person’s ability to live a life free of violence, and
 24 is especially critical for survivors of domestic violence who face high rates of
 25 reproductive coercion and forced pregnancy at the hands of their abusers. *Id.*

1 **B. Amici's Expertise Will Benefit the Court and Provide Unique
2 Information and Perspectives not Discussed by the Parties.**

3 Amici's proposed brief discusses how the FDA's restrictions on mifepristone
4 affect access to abortion care for survivors of IPV, particularly survivors in rural
5 areas and those facing systemic inequities. Amici have reviewed the briefs filed in
6 this case to avoid unnecessary duplication of the parties' arguments. Amici provide
7 information and perspectives that are not fully discussed in the parties' briefs but are
highly relevant to the public interest in the outcome of this case.

8 Legal Voice brings a unique perspective as an organization that both works to
9 improve protections for survivors of IPV and works to protect reproductive rights.
10 *CARE*, 54 F. Supp. 2d at 975. FVAP and the Sexual Violence Law Center have deep
11 expertise providing legal services to survivors of IPV and provide the Court with a
12 better understanding of the challenges faced by survivors of IPV. API-GBV, the
13 Idaho Coalition Against Sexual and Domestic Violence, and WSCADEV work
14 closely with survivor communities and have technical expertise in programs,
education, and policy related to IPV.

15 Legal Voice, in partnership with domestic violence organizations and
16 advocates, including other Amici, has submitted amicus briefs on the topic of how
17 abortion restrictions affect survivors of intimate partner violence in multiple abortion
18 rights cases. *See, e.g.*, Br. for Legal Voice, et al. as Amici Curiae in Support of
19 Respondents, *Dobbs v. Jackson Women's Health Org.*, 597 U.S. ___, 142 S. Ct.
20 2228 (2022) (No. 19-1392); Br. for Asian Pacific Institute on Gender-Based
21 Violence, et al. as Amici Curiae in Support of Appellees, *Planned Parenthood of*
Montana v Montana, 515 P.3d 301 (Mont. 2022) (DA 21-0521).

1 **C. Amici Have Conferred with the Parties and This Motion Will Not
2 Unduly Delay the Court's Decision in the Pending Matter.**

3 Amici have conferred with the parties concerning the filing of this motion.
4 Plaintiffs and Defendants have consented to this motion.

5 This motion is timely. Plaintiffs' Reply is due on March 24, 2023. The hearing
6 on Plaintiffs' motion for a preliminary injunction is set for March 28, 2023. Thus,
7 there is time for the Court to decide Amici's motion without unduly delaying the
8 decision on the pending matter. *See CARE*, 54 F. Supp. 2d at 975–76 (granting
9 Amici's Petition "on the eve of Summary Judgment motions" where the brief did
not "delay proceedings").

10 **Conclusion**

11 For the forgoing reasons, Amici respectfully request that the Court grant this
12 motion and accept for filing the accompanying amicus curiae brief.

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15 Dated: March 22, 2023

By: s/ Amanda J. Beane
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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

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